



Understanding Our Customers

Summary Report

2009
LCS Research Team

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EXECUTIVE SUMMARY

The aim of this study was to analyse consumers and solicitors' demographic data, with particular emphasis on diversity statistics from complaints closed by the now Legal Complaints Service (LCS) from 2004 to 2008. This report is the first data analysis exercise undertaken by the LCS as part of a comprehensive equality and diversity strategy; the ultimate goals of this research study were to identify differences in service use between diverse groups, monitor trends and to recommend potential ways in which the LCS could improve its data collection processes and the monitoring of all customers (members of the public and the legal profession) who use the service provided by the LCS.

Demographic data analysed in this report has been collected since 2004 using four distinctive sources of information. Data from consumers was collected using customer complaints forms, consumers' feedback forms and data from an ongoing telephone helpline survey. Data for solicitors was extracted from the REGIS¹ database.

The report has been structured into four sections:

Section A provides a summary of relevant complaint handling data such as number of complaints per year, main outcomes and sources of complaints and evaluates proportionality of outcome according to field of law and matter reason. Additionally, it includes the analysis of customers' demographic data and the analysis of diversity monitoring data by outcome of complaint to evaluate proportionality in the LCS service delivery.

For the purpose of this report diversity monitoring is related to data on the age, ethnicity, disability and gender profile of customers. The LCS does not currently collect information on sexual orientation or religion or belief.

Section B provides a similar overview of demographic and outcome data for solicitors who have been involved in a complaint during the period under study.

Section C provides an analysis of customer satisfaction data from consumer feedback forms.

Section D provides an analysis of customer perception of and satisfaction with the telephone helpline survey.

The analysis conducted for this report was carried out from November 2008 to February 2009 and was focussed on complaints data available from July 2004 to June 2008.

Due to the large number of non-responses and missing information, analysis of the available data was inconclusive and did not provide further evidence to highlight inequalities in service delivery in the LCS. Although some differences in service use and outcome were found, they were not statistically significant.

¹ The REGIS database is the Law Society's central database containing the Roll of Solicitors and details of solicitors holding practising certificates.

SECTION A – CONSUMERS OF THE LEGAL COMPLAINTS SERVICE

The key findings from this research for consumers are:

- The LCS received a total of 78083 complaints from June 2004 to July 2008; on average 19520 complaints per year.
- Complaints about **poor service** (service complaints) were the most frequent type of complaint received by the LCS since 2004 (73%), followed by **professional misconduct** complaints (24%) and **complaints about solicitor's bill** (3%).
- Approximately one in every three complaints closed by the LCS during this period was **not upheld** (31%).
- On average 28% of all complaints closed by the LCS were resolved using **conciliation**², 14% were **withdrawn by customers**; and 7% of complaints were **upheld** by the LCS during this period.
- Contributing factors that led users of legal services to register a complaint against a solicitor were (in order of relevance): **failure to reply or inform (17%)**, **delay (12.5%)**, **failure to follow instructions (11.0%)**, **deficient costs information (8.7%)**, **failure to advise (5.5%)**, **failure to release papers (3.1%)** and **bad advice (3%)**.
- The main kind of legal transactions solicitors were involved in, which led to a complaint in the past four years, were **Residential Conveyancing (24%)**, followed by **General Civil Law (16%)**, **Probate (10.4%)**, **Personal Injury (9.5%)** and **Family Law (9.4%)**.
- Only 25% of all customers who submitted a complaint to the LCS between 2004 and 2008 provided their age profile details. Approximately half of these complainants (49%) were aged between 36 and 55 years; 19% were aged 35 and under, and 32% were aged 56 years and over.
- There are a high percentage of customers (83.6%) who stated they did not have a long term illness or disability, compared to 16.4% of those surveyed who said they did have a long term illness or disability. According to the 2001 Census, 18% of the UK population has a limiting long-term illness or disability.
- Only 26% of complainants provided their ethnicity information to the LCS during this period; the majority of these (87%) reported to be White compared to 12.8% who classified themselves as Black and Minority Ethnic (BME). (92% of the UK population is white, compared to 87% of white LCS complainants and 8% of the UK population belongs to an ethnic minority in contrast to 12.8% of LCS complainants). Possible explanations for this variation could be that it is due to the lack of robustness or reliability of the data or that the profile of the UK population has changed since the 2001 Census, or that this information is indicative of poor service provided by

² Conciliation is a method of sorting out complaints with the help of an unbiased third person. Customers do not have to agree to conciliate their complaint but it is advised that a better outcome may result with this method rather than if the LCS makes a decision on the complaint.

solicitors to BME consumers compared to white consumers. However, these explanations may not be exhaustive and there could be other presently unknown reasons.

- The majority of complainants who provided the LCS with information about their gender were male 55.4% (10993 customers) and 44.6% (8836) were female. In contrast, the 2001 Census shows that the gender distribution in the UK is 49% male and 51% female, perhaps indicating that men are more likely to be clients of solicitors and therefore more likely than women to bring a complaint forward to the LCS.
- Data collected by the LCS since 2004 shows that almost half of LCS customers were located in the South of England including London (41.4%); followed by the North (22.9%), and the Midlands (10.8%).

SECTION B – SOLICITORS DATA

The key findings from this research for solicitors are:

- Only 49% of details regarding gender were available for solicitors who were subject to a complaint closed by the LCS. Approximately 75% of these solicitors were male (74.1%) and 25.9% were female indicating that males are significantly over represented as being the subject of a complaint. However caution must be taken due to the large proportion of unknown gender attached to the remainder of the complaints. Another possible explanation is that complaints can often be recorded against the complaint handling partner of a firm as opposed to the individual who is the subject of the complaint and as more partners tend to be male than female, this could account for this observation.
- Only 48% of data regarding age profile was available for solicitors who were the subject of a complaint over the four year period. Approximately one third (33.8%) of these solicitors were aged between 46 to 55 years of age and 12.5% were aged 35 and under with 4.2% aged over 65 years of age.
- Ethnicity data was available for 36.6% of solicitors who were the subject of a complaint. Almost 13% identified themselves as coming from a BME background compared with 87.2% of white solicitors.
- An analysis by size of firm shows that 8.7% of complaints closed by the LCS originated from sole practitioners, 55% from solicitors working in small to medium firms and 36.4% from solicitors working in firms with eleven or more partners. High street firms tend to deal more with transactions involving non-commercial clients, this sector accounts for the majority of the complaints as opposed to larger firms who deal more with commercial clients and may resolve any complaints in house.

SECTION C – CUSTOMER SATISFACTION

The key findings from this research regarding satisfaction with LCS service from consumer feedback forms are:

- The average response rate for feedback forms over the four year period is 39.9%.
- The average rating over the four year period for respondents who were either very satisfied or fairly satisfied with the **outcome** of their complaint was 67.7%.
- The average rating over the four year period for respondents who were either very satisfied or fairly satisfied with **service** was 76.3%.
- The average rating over the four year period for respondents who were either very satisfied or fairly satisfied with the **overall** experience of using the service provided by the LCS is 74.3%.
- There was a stark contrast between disabled and non disabled respondents, for example over the four year period 28.3% of disabled respondents were either very dissatisfied or fairly dissatisfied overall with the LCS compared to 19.1% of non disabled respondents. This would seem to suggest to some extent that there is a need for LCS to review its services for people with disabilities. However, satisfaction ratings have increased steadily over the four year period for respondents with disabilities, perhaps due to initiatives by the LCS.
- Almost one quarter (23.3%) of all Asian respondents were very dissatisfied overall with the LCS, a significant proportion when compared to all ethnicity groups. (13% for white, 15.2% for mixed and 17.6% for black and 17.9% for Chinese and other). The reasons for this high degree of dissatisfaction amongst Asian respondents may need further investigation by the LCS.
- Over 80% (8462) of respondents whose complaints were conciliated were satisfied with this outcome; perhaps this should be higher given the concept of conciliation to involve agreement and consent.
- As to be expected only 20% (556) of respondents were satisfied with the outcome, if their complaint was not upheld. Over two thirds (679) were satisfied with their upheld complaint outcome.
- The lowest satisfaction (15.1%; 63) with outcome was noted for those consumers who were subject to a Reasonable Offer Made (ROM) by the solicitor. The LCS need to investigate further why customers who are subject to a reasonable offer made may be dissatisfied.

SECTION D – TELEPHONE HELPLINE SURVEY

The key findings from this research regarding opinions on the service provided by the telephone helpline during the twelve months covering 1st April 2007 to 31st March 2008 are:

- 70,877 calls were accepted by the telephone helpline between April 2007 and March 2008.
- Less than 15% of calls are put through to the automated telephone survey. This could be due to a combination of reluctance by caseworkers to put customers through and also due to customers refusing to participate when offered the survey.
- Overall a good customer service is provided by the LCS helpline given the percentage of respondents who strongly agreed (usually between 85%-95%) with the professionalism and effectiveness of their advisor (case worker) in terms of politeness, knowledge, clear explanations, understanding and use of language and dealing with queries.
- 49.6% of respondents were male and 50.4% were female however 35.9% did not state their gender.
- 17.6% of respondents were aged under 35, half of all respondents (55.5%) were aged between 35 and 55 years of age and just over a quarter (26.9%) were aged over 56 years of age. 36.1% did not state their age.
- 85% of respondents were white, 1.9% mixed, 7.1% Asian, 4.4% black and 1.7% Chinese or other. 36.4% of respondents did not state their ethnicity.

The diversity data collection study has assisted in presenting a profile of consumers and solicitors that use the service provided by the LCS. In addition it has helped to illuminate satisfaction with LCS service and provided information on the outcome, field of law and matter reason for the complaints closed by the LCS analysed with equality and diversity variables.

However, the report has also confirmed that the general quality of the data is poor, particularly due to the large number of non-responses and missing information. Therefore, the analysis of the available data was inconclusive and did not provide significant evidence to highlight any possible inequalities in service delivery. Ideally the LCS requires equality and diversity data for every case in order to obtain an accurate and representative picture of the profile of consumers and solicitors who are the subject of a complaint and their views and perceptions of the service provided by the LCS.

The obvious and main recommendation is to improve the quality of the data by increasing the response rate. Communicating the importance of collecting this data to consumers, solicitors and LCS staff is paramount to increasing the response rate. Other recommendations include methods to improve data collection, data retention and data analysis by:

1. Increasing the response rate.
2. Capturing diversity data on ROAD³.
3. Capturing the format in which complaints come into the LCS.
4. Sending out a diversity questionnaire with the 'Can we help?' booklet.
5. Sending out a diversity questionnaire electronically.
6. Capturing additional requirements electronically.
7. Increasing the number of calls put through to the automated helpline survey.
8. Offering guidance to caseworkers on the importance of diversity monitoring.
9. Assessing caseworkers on putting callers through to the helpline survey.
10. Establishing a web based satisfaction survey.
11. Establishing a method of capturing the data required to obtain a profile of solicitors.
12. Establishing the best method to effectively collect and retain customer profile data on internal service complaints.
13. Informing customers on why the information is being collected.
14. Retaining personal data in compliance with the Data Protection Act.
15. Undertaking research to identify Freedom of Information implications arising from data collection and retention.
16. Communicating findings widely with staff and key stakeholders.
17. Monitoring and analysing data on a regular basis to identify any trends or patterns.
18. Conducting and publishing this research on an annual basis for benchmarking and comparison purposes.
19. Investigating the reasons for dissatisfaction with the service provided by the LCS amongst BME consumers.
20. Investigating the reasons for dissatisfaction with those consumers who were subject to a Reasonable Offer Made (ROM) outcome.
21. Improving service with new initiatives.

³ IT case management system.

INTRODUCTION

The Legal Complaints Service (LCS) is an independent complaints handling body that investigates complaints about solicitors in England and Wales. The LCS resolves complaints from consumers about solicitors which may require redress (for example, complaints about solicitors' fees, failure to follow instructions or delays in communication), and will also refer allegations of misconduct to the Solicitors Regulation Authority.

The LCS is committed to placing equality and diversity at the heart of the organisation. It aims to deliver a non discriminatory service by being transparent, fair, accessible and inclusive taking into account diverse backgrounds and needs.

Equality and diversity is about appreciating and valuing difference. It is the recognition that we are not the same and that different people have different, equally valuable skills, knowledge and experience to offer, and that we should treat people fairly and with respect regardless of their age, disability, gender, race, religion, sexual orientation or social background.

To achieve this, the LCS has produced a two year strategy that sets out its commitment to promoting equality and diversity. It sets out for the first time the LCS diversity vision and commitment. This is underpinned by a number of strategic objectives that show what specific actions the LCS will be taking to support the achievement of the vision. This study is a key driver for strategic objective one - 'to deliver an accessible customer service tailored to the diverse needs of our consumers and solicitors'.

The LCS is subject to a range of statutory duties⁴ with which it must comply. These duties help the LCS to do what it should be doing anyway and to focus on embedding equality and diversity in the LCS. An important element towards achieving this is through diversity monitoring. Diversity monitoring is a process used to collect, store and analyse data about people's background.

The ultimate aim of diversity monitoring⁵ is to:

- Highlight possible inequalities in service delivery.
- Identify differences between diverse groups.
- To determine if some groups are more likely than others to use our services.
- Are there differences in outcome for some diverse groups? Are these differences due to some underlying pattern of disadvantage?
- What other data or analysis might we need to investigate further?
- Are there differences in the way that different groups use our services?
- Do different groups appear to have special or different needs?
- Are our services and the way that we are delivering them, meeting the needs of our consumers?
- Is there any dissatisfaction with our decision, or the way we make this, or the way we deal with people?

⁴ Race Relations (Amendment) Act 2000, Disability Discrimination Act 2006 and the Equality Act 2006.

⁵ Ethnic Monitoring - A guide for public authorities (non-statutory), published by the Commission for Racial Equality.

- Are there particular areas of our service that cause a problem for different diverse groups?
- Are there different satisfaction levels or complaint rates for different diverse groups?

The following document summarises the findings of a monitoring exercise aimed at analysing consumers and solicitors' demographic data, with particular emphasis in equality and diversity statistics from complaints closed by the now Legal Complaints Service from 2004 to 2008. This report is the first data analysis exercise undertaken by the LCS as part of a comprehensive equality and diversity strategy; the ultimate goals of this research study were to identify differences in service use between groups, monitor trends and to recommend potential ways in which the LCS could improve its data collection processes and the monitoring of its diverse customer base.

1. OBJECTIVES

The aim of this study is to evaluate the current position of the LCS in terms of collecting and analysing diversity profiling information regarding our complainants and solicitors and identifying potential ways in which the LCS could improve and tailor its services to its diverse customer base.

Whilst these are the ultimate aims of the study, other key objectives are:

- to identify the current profile of our consumer base on the grounds of age, disability, ethnicity, gender and geographical location;
- analyse complaints data to profile complaints on specified areas of law on the grounds of age, disability, ethnicity, gender and geographical location of our consumer base;
- analyse complaints data to profile complaints against the size and professional profile of solicitor firms, age, disability, ethnicity and gender of solicitors;
- examine current consumer satisfaction data against age, disability, ethnicity and gender of our consumer base;
- analyse complaints' final outcome data against age, disability, ethnicity and gender of our consumer base and size of firm of solicitors;
- to make recommendations on improving of data collection in the LCS.

2. METHODOLOGY

The data collection project:

- contains data on the profile of solicitors who were the subject of a complaint, profile on our consumers and satisfaction analysis from feedback forms and telephone helpline data;

- contains data covering the period from July 2004 to June 2008;
- the size of the data base is approximately 80,000 entries for each of the profiles over the four years;
- there are many variables including matter type, size of firm, ethnicity, gender, age, final outcome, closure year, region, disability, satisfaction with service, satisfaction with outcome and overall satisfaction. All these were cross analysed with demographic data to identify trends and to generally report on the available data;
- demographic data is available only for approximately a quarter of the 80,000 database for each section;
- please note in early 2006 the Law Society decided to split its regulatory and representative functions. Prior to this the then Office of Supervision of Solicitors (OSS) dealt with all complaints including service and conduct. After this date the complaint handling arm dealt with service complaints only and the now Solicitors Regulation Authority (SRA) deal with all conduct matters. This will be reflected in the results dependent on the time period under investigation and the type of analysis split of the data.

There are three ways in which consumer profiling is currently collected in the LCS:

2.1 Consumers data

Diversity monitoring data is requested on the revised Customer Complaint Form and on the Customer Feedback (satisfaction) Form and from March 2007 during the Telephone Helpline Survey. This data is collated and held on a complainant database and can now be linked to collected data on decisions and outcomes, with the exception of automated telephone helpline survey data.

A copy of the current complaint form can be found at Appendix D⁶. A copy of a consumer feedback form can be found at Appendix E and the telephone helpline survey script operated by a contracted company called Opinion-8 can be found at Appendix F.

Based on a recent pilot study, approximately one third of complaints received by the LCS come through on a complaints form.

Customer satisfaction/feedback forms are sent out two weeks after closure letters. The total number of forms sent out over the four year period was 42492; the number of forms received was 16369 providing a response rate of 39.9%.

Customer feedback forms are not sent to all customers. Examples of those customers who do not get these forms include those who are declared restricted, those whose complaint has not been accepted, those whose complaint is referred back to the solicitor under Rule 2⁷ and those who withdrew their complaint prior to an

⁶ All appendices can be found in the main report.

⁷ According to the Solicitors' Code of Conduct, Rule 2 (enforced on the 1st of July 2007, previously Rule 15, is "designed to help both [solicitors] and [clients] understand each other's expectations and responsibilities. In particular, the purpose of 2.02 (Client care) and 2.03 (Information about the cost) is to ensure that clients are given the information necessary to enable them to make appropriate decisions about if and how their matter should proceed". This Rule was previously known as Rule 15 (Costs information and client care), enforced before the 1st of July 2007 and may still be referred to as Rule 15 in some sections of this report.

Source: <http://www.sra.org.uk/solicitors/code-of-conduct/195.article>.

outcome. The guidance for sending out consumer feedback forms can be found at Appendix G.

Customers coming through the helpline are offered the opportunity to complete an automated helpline survey which asks consumer profiling questions (age, disability, ethnicity and gender). Currently it is estimated that approximately less than 15% of calls are put through to the survey.

Management Information de-duplicates the results from the customer feedback form and the complaints form so that one individual does not have two sets of records for the same complaint on the database. The consumer profiling data is currently retained on an Access database. The telephone helpline survey data is retained separately by the Quality and Service Standards team.

2.2 Solicitors data

Solicitor profiling data, size of firm and professional profiling data was extracted from REGIS. The majority of diversity data is collected at the point of entry to the profession.

The REGIS database is the Law Society's central database containing the Roll of Solicitors and details of solicitors holding practising certificates.

2.3 Satisfaction data

Satisfaction data is collected via the consumer feedback forms and the telephone automated survey (Opinion-8). Section 2.1 provides an indication of the response rates for these two methods.

All the data was provided by Management Information and the Quality and Services Standard team in the form of Excel spreadsheets. Each complaint has a unique reference number enabling the consumers profile and the corresponding solicitor data to be aligned for each complaint.

The data was then cleaned and coded into the desired categories as shown in Appendix H. The results were analysed using SPSS⁸.

The aim of analysing the data is to identify any differences between groups and to monitor trends.

An important point to note particularly regarding the ethnicity data is that assumptions cannot be made about the ethnic background of people in the 'other' and 'unknown' categories. All the 'unknown' are therefore treated as a separate group and excluded when conducting statistical tests. The datasets used the old categories until January 2008 when the new ones used in the Census 2001 (16 ethnicity groups and one 'other' option) were introduced, prior to that respondents stated a huge array of nationalities, religions and citizenships in the 'other' category.

Where responses do not add up to 100% this is as a result of multiple responses where respondents were able to choose as many options as they felt were applicable, or roundings.

Throughout the report, overall frequencies of responses are shown. Each table contains, unless otherwise stated, the count (N) and proportion (%) of the independent variable.

⁸ SPSS is a statistical software package.

The benchmark data used where appropriate is from the Census UK 2001 produced by the Office of National Statistics and the Annual Statistical Report published by the Law Society.

3. RELIABILITY OF FINDINGS

As highlighted above, information about customers is collected mainly through complaint forms and consumer feedback forms and data on solicitors from REGIS. However the response rate is only 25% for equality and diversity profiling questions from consumers and less than 50% for solicitors. Due to the huge proportion of missing data, the reliability of the data is poor with associated implications for analysis and interpretation therefore, results should be taken only as indicative rather than conclusive.

Also overall satisfaction responses may be influenced by outcome rather than level of service delivery rendering the variables possibly not independent of outcome. Another important consideration is the outcome of a complaint affects the probability of customers returning the consumer feedback form and therefore affects the degree of representation of this data to the true profile of LCS consumers.

In addition, the quality of the data on REGIS is very poor, an issue highlighted in the recently published Lord Ouseley report⁹.

In order to further investigate proportionality of outcome in service delivery, a number of cross-tabulations¹⁰ were carried out to indicate and measure the strength and linear relationship between variables such as age, disability, ethnicity and gender and outcome of complaints, in order to establish if different groups obtained a fair and proportionate outcome.

Results of the cross tabulations carried out during the data analysis including variables such as age, disability, ethnicity and gender by outcome of complaint were inconclusive and did not provide further evidence to highlight possible inequalities in service delivery due to the high level of missing data¹¹.

An important consideration is that all these responses are based on 'self selected' samples and that a low response rate can produce 'sampling bias', because people who don't respond may well be different from those who do. The issue of external validity must be noted in generalising or 'the degree to which a sample is representative of the population'.

It is important to note that monitoring is reliable when full information about the population or sample is available (no less than 90%). However if only minimum data

⁹ Lord Ouseley's *Independent review of disproportionate regulatory outcomes for black and minority ethnic (BME) solicitors* was published by the Solicitors Regulation Authority in July 2008. <http://www.sra.org.uk/documents/SRA/equality-diversity/ouseley-report.pdf>

¹⁰ The cross tabulations procedure is used to describe the relationships between two or more categorical variables.

¹¹ Tests of statistical significance are the most thorough way of assessing differences between different groups. Statistical significance tests are used to assess how likely it is that differences could be down to chance. However, statistical testing will not always pick up real differences between groups if the numbers are very small and therefore incomplete data does affect the quality of the analysis. Significance tests were not used as the probability values which estimate the likelihood that differences between groups in the sample are also true for the population are not valid here due to missing data a valid 'population' of LCS complainants or users of legal service is unavailable to generalise the findings from the analyses. Source: Introduction to SPSS and Statistics, published by SPSS within a training guide.

is available then the lack of evidence should not be taken as proof that no action is required.

On an encouraging note, in conducting this data analysis project in the first instance is a positive step for the LCS and by implementing the recommendations in order to improve the data and service provision will ensure more robust analysis in the future.

CONCLUSIONS AND RECOMMENDATIONS

The diversity data collection study has assisted in presenting a profile of consumers and solicitors that use the service provided by the LCS. The report is the first data analysis undertaken by the LCS and in addition to providing demographic data, it has helped to illuminate satisfaction with LCS service and provided information on the outcome, field of law and matter reason for the complaints closed by the LCS analysed with equality and diversity variables.

However, the report has also confirmed that the general quality of the data is poor, particularly due to the large number of non-responses and missing information. Therefore, the analysis of the available data is inconclusive and did not provide significant evidence to highlight any possible inequalities in service delivery. Ideally the LCS requires diversity data for every case in order to obtain an accurate and representative picture of the profile of consumers and solicitors who are the subject of a complaint and their views and perceptions of the service provided by the LCS.

Recommendation 1 - the obvious and main recommendation is to improve the quality of the data by increasing the response rate.

Communicating the importance of collecting this data to consumers, solicitors and LCS staff is paramount to increasing the response rate.

A working group was established consisting of caseworkers, management information, quality and service standards, research and the equality and diversity manager to discuss how to improve the service provided by the LCS, how to meet equality and diversity commitments and how to improve data collection within the LCS. The recommendations of the working group are set out below:

The Legal Complaints Service is due to close in 2010. A new Office of Legal Complaints (OLC) overseen by the Legal Services Board (LSB) will be established to investigate service complaints about solicitors and other legal professionals. In light of the forthcoming closure of the LCS some of following recommendations will be feasible to implement in the run up to closure and some of the recommendations are for the consideration of the Office of Legal Complaints.

1. DATA COLLECTION

1.1 ROAD Equality and Diversity fields

The SRA are currently working on upgrading IT systems to make certain hidden fields 'live,' it was proposed that these would include equality and diversity information supplied on complaints forms, namely :

- Reasonable adjustments to be made
- Preferred method of communication

It is likely that these adjustments and the subsequent training and resource implications will probably not be implemented on a timescale to suit the LCS due to closure of the current establishment and the opening of the Office of Legal Complaints (OLC).

Recommendation 2 - the LCS should liaise with the SRA to investigate the possibility of implementing some of these upgrades to the IT system within the available timeframes.

1.2 Customer Complaint Form

The complaints form has a section at the end which captures diversity profiling information. After Registry have registered the complaint the reference number is written onto the equality and diversity page and is then separated from the main form and sent to the Quality and Services Standards team to be logged onto an Access database.

However a recent pilot exercise undertaken by Registry showed that in a two week period, Registry logged 635 complaints of which 433 had no form and 202 had a form (only about 32% of complaints actually came through on a complaints form.) The LCS is currently missing the opportunity to collect diversity data for a large number of customers. It is also not known exactly what percentage of complaints comes through in formats other than a complaints form.

Recommendation 3 - a pilot study is conducted to establish the format in which complaints come into the LCS.

Section 2 on the complaints form currently captures customers' additional requirements such as communication requirements.

Currently this information is then possibly captured by caseworkers on a file note; however it is not captured electronically. Customer specific information currently cannot be flagged up on screen for all staff who may deal with the same individual.

Recommendation 4 - a diversity questionnaire is sent out to all customers with the 'Can we help?' booklet. This may assist to increase the response rate for customers in providing their diversity profile.

As an alternative format to the questionnaire the LCS has an electronic version of the complaint form that is sent to e-mail enquiries, the form is then printed by Registry and dealt with in the usual procedure.

Recommendation 5 - a diversity questionnaire should be sent electronically to all customers who provide their email address to increase response rates. A unique reference number will be required for each response. The resource implications in terms of time and cost should be investigated and if feasible this initiative could commence immediately.

The form captures additional requirements but only 32% of complaints are received via a complaint form leaving a remainder of 68% of consumers where their requirements are not currently established.

Recommendation 6 - the diversity questionnaire should also capture the additional requirements of consumers. This information would then need to be fed back into the case file for staff to utilise and action. The information should be electronically flagged so that it is readily available and used by all staff that are dealing with the case.

1.3 Helpline

Currently the LCS captures diversity information on opinion-8 via an automated feedback capture service. It is evident that not everyone is being put through to the automated survey at present. Currently less than 15% of calls are being put through to the survey partly due to many customers refusing to participate.

Anecdotal information obtained suggested that there may be a lack of understanding on the part of staff with regards to the reasons why they should put customers through and the necessity of collecting this information. This was suggested to be due to a lack of communication delivered to staff on this issue. Some caseworkers did not know what the questions asked in the survey were and some found it difficult or embarrassing in communicating how to offer the survey to consumers.

Some callers will not be put through to the survey. For example, those who seem distressed or upset and therefore caseworkers need to use their judgement. As the consumer is paying for the cost of the call (albeit at a low cost number) sometimes they may not want to go through to the survey.

Currently the age and full ethnicity categories on opinion-8 do not match the categories used in the consumer feedback forms and complaints forms. However the high level categories in use are more appropriately suited to a telephone survey.

Recommendation 7 - the LCS should look at ways to improve the number of respondents who are put through to the automated satisfaction survey and to encourage caseworkers to put through all or at least more customers.

Recommendation 8 - caseworkers should be offered guidance and information on the importance of diversity monitoring and being able to communicate this to consumers if questioned or challenged on this issue.

Recommendation 9 - putting callers through to the survey should be assessed, as a specific performance measure, currently it is an informal performance measure. Consideration should be given to include this aspect as part of caseworkers' objectives as a percentage target.

1.4 Customer Feedback Form

Electronic forms via email are sent to customers who have either complained via email or have provided an email address for communication.

Recommendation 10 - an alternative perhaps would be a web link to a web based satisfaction form which could go out as part of the automated email response.

Satisfaction forms are currently sent out to most consumers with a few exceptions. However, a note of caution concerning the number of times people are asked the profiling questions, this should not be excessive as people will not therefore want to respond.

1.5 Solicitor Satisfaction Forms

Currently the LCS is reliant upon SRA (REGIS) for solicitor profiling data, size of firm and professional profiling data. The quality of the data on REGIS is very poor. The LCS was sending out Solicitor Satisfaction Forms on a sample basis as a pilot project, this has now been extended to the whole of the LCS. Equality and diversity questions are a part of this form. The LCS need to consider whether these forms should be sent out on all closed files and to consider the associated resource implications.

Recommendation 11 - the LCS should investigate the best method of collecting data on solicitors in order to begin collecting its own data on solicitors for future analysis.

The SRA are attempting to gain an accurate picture of the profession's ethnic breakdown through a diversity census questionnaire. According to the Law Society's Gazette as of 2 April 2009, only 14,000 of the 140,000 individuals emailed a questionnaire have responded. Previous to this initiative the only method of capturing this diversity data was at the point of entry to the profession.

1.6 Internal Service Complaints

The LCS operates a two-tiered process to handle complaints about its own service. Stage one is for complaints to be dealt with locally by the caseworker and/or customer service manager. If the customer/solicitor is still unhappy then they can ask for their concerns to be dealt with by the Quality and Service Standards team. Data is not specifically collected from customers who have complained about LCS service and no profile data from customers is collected from those who have been involved in any element of this process. (A form is sent out asking how well the internal service complaint was dealt with but contains no profiling questions).

However service complaints which are dealt with by the case working unit (stage 1) and Quality and Service Standards team (stage 2) are logged onto ROAD so customers can be identified and Management Information can link any available data.

Recommendation 12 - the LCS should consider researching the best method in which to begin effectively collecting and retaining customer profile data on internal complaints. It is recommended that evaluating internal complaints information can assess if there are differences in satisfaction levels or complaints rates for different diversity groups, as well as assessing if there are different areas of our service that cause problems for different diversity groups. Moreover, the LCS will be able to explore if there is dissatisfaction with decisions or the way people are dealt with; ultimately, this valuable information will help the LCS to establish whether its services and the way they are delivered are meeting the needs of the communities served.

To provide some context, within the period April 2008 to March 2009 the LCS dealt with a total of 747 complaints about its service with 603 stage 1 complaints and 144 stage 2 complaints.

Recommendation 13 - for all data collection methods in order to increase response rate it is recommended that when collecting the data the LCS must include: - why the information is collected as it is vital to win people's trust and how it will be used and the mechanisms in place to protect confidentiality.

2. DATA RETENTION

2.1 Data Protection Act (DPA) / Record Management

The LCS currently has retained data of a personal nature dating back to 2004 on customers on the Access database. This is in contravention of the DPA which states the date for retention of personal data should be no longer than 2 years and 3 months. Data must be de-personalised and should not be identifiable.

Recommendation 14 - once all required analysis has been conducted, any data older than the minimum time period defined by the DPA should be deleted from the database.

3. DATA ANALYSIS

3.1 Freedom of Information (FOI) Requests

Certain information and statistical data is subject to freedom of information requests under the Freedom of Information Act. The scope and limitations of this have not been explored.

Recommendation 15 - the Law Society should undertake research in order to identify FOI implications arising from this and other data collection and retention activities across the Law Society, the Solicitors Regulation Authority and the Legal Complaints Service.

3.2 Research Report

The LCS should share this report with LCS staff and key external stakeholders and publish a copy for external use on the Internet and make it available on request for wider access.

Recommendation 16 - this report should be communicated widely.

3.3 Monitoring and Analysis

Currently the LCS does not undertake any specific monitoring or analysis of the data which is produced monthly by the Quality and Service Standards team and Management Information.

Recommendation 17 - future data should be analysed regularly to identify any disproportionality or patterns or trends in responses and/or categories of customers.

The Equality and Diversity Advisory Team (EDAT) should then study the data on a quarterly basis to identify any trends or patterns and highlight relevant issues to senior management.

3.4 Annual Report

This is the first time the LCS has conducted this type of research and as such has carried out analysis dating back to 2004. It is a very worthwhile piece of work which needs to be carried out on an annual basis.

Recommendation 18 - the LCS and then the OLC should conduct this research and publish a report on an annual basis for benchmarking and comparison purposes.

4. IMPROVING THE SERVICE

If disproportionality or differences in use of services is found in any future studies (with larger response rates), it may be that decision making processes may need to be examined.

Recommendation 19 - the LCS should further investigate the reasons for dissatisfaction with the service provided by the LCS amongst BME consumers.

Recommendation 20 - the LCS should further investigate the reasons for dissatisfaction with those consumers who were subject to a Reasonable Offer Made (ROM) outcome.

Recommendation 21 - the LCS should explore other initiatives such as reviewing publicity material, improving contact with all sections of the community, using diversity media, translating information and publicity material into the main languages used in the community which is served, arranging for interpreting when needed and targeting representation (of different diversity groups) and equality of treatment.

The LCS currently has many initiatives in place to address the differing requirements of diverse customers as outlined in Appendix J.